
SUBSTITUTE HOUSE BILL 1430

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Wood and Condotta)

READ FIRST TIME 02/16/05.

1 AN ACT Relating to sale by spirit, beer, and wine licensees of malt
2 liquor in containers that are capable of holding four gallons or more
3 and are registered in accordance with RCW 66.28.200; and amending RCW
4 66.24.400, 66.28.200, and 66.28.220.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 66.24.400 and 2001 c 199 s 4 are each amended to read
7 as follows:

8 (1) There shall be a retailer's license, to be known and designated
9 as a spirits, beer, and wine restaurant license, to sell spirituous
10 liquor by the individual glass, beer, and wine, at retail, for
11 consumption on the premises, including mixed drinks and cocktails
12 compounded or mixed on the premises only: PROVIDED, That a hotel, or
13 club licensed under chapter 70.62 RCW with overnight sleeping
14 accommodations, that is licensed under this section may sell liquor by
15 the bottle to registered guests of the hotel or club for consumption in
16 guest rooms, hospitality rooms, or at banquets in the hotel or club:
17 PROVIDED FURTHER, That a patron of a bona fide hotel, restaurant, or
18 club licensed under this section may remove from the premises recorked
19 or recapped in its original container any portion of wine which was

1 purchased for consumption with a meal, and registered guests who have
2 purchased liquor from the hotel or club by the bottle may remove from
3 the premises any unused portion of such liquor in its original
4 container. Such license may be issued only to bona fide restaurants,
5 hotels and clubs, and to dining, club and buffet cars on passenger
6 trains, and to dining places on passenger boats and airplanes, and to
7 dining places at civic centers with facilities for sports,
8 entertainment, and conventions, and to such other establishments
9 operated and maintained primarily for the benefit of tourists,
10 vacationers and travelers as the board shall determine are qualified to
11 have, and in the discretion of the board should have, a spirits, beer,
12 and wine restaurant license under the provisions and limitations of
13 this title.

14 (2) The board may issue an endorsement to the spirits, beer, and
15 wine restaurant license that allows the holder of a spirits, beer, and
16 wine restaurant license to sell for off-premises consumption wine
17 vinted and bottled in the state of Washington and carrying a label
18 exclusive to the license holder selling the wine. Spirits and beer may
19 not be sold for off-premises consumption under this section, except as
20 provided in subsection (3) of this section. The annual fee for the
21 endorsement under this ((chapter [section])) subsection is one hundred
22 twenty dollars.

23 (3) The board may issue an endorsement to the spirits, beer, and
24 wine restaurant license that allows the holder of a spirits, beer, and
25 wine restaurant license to sell for off-premises consumption malt
26 liquor in kegs or other containers that are capable of holding four
27 gallons or more of liquid and are registered in accordance with RCW
28 66.28.200. The annual fee for the endorsement under this subsection is
29 one hundred twenty dollars.

30 **Sec. 2.** RCW 66.28.200 and 2003 c 53 s 296 are each amended to read
31 as follows:

32 (1) Licensees holding a beer and/or wine restaurant or a tavern
33 license in combination with an off-premises beer and wine retailer's
34 license or licensees holding a spirits, beer, and wine restaurant
35 license with an endorsement issued under RCW 66.24.400(3) may sell malt
36 liquor in kegs or other containers capable of holding four gallons or
37 more of liquid. Under a special endorsement from the board, a grocery

1 store licensee may sell malt liquor in containers no larger than five
2 and one-half gallons. The sale of any container holding four gallons
3 or more must comply with the provisions of this section and RCW
4 66.28.210 through 66.28.240.

5 (2) Any person who sells or offers for sale the contents of kegs or
6 other containers containing four gallons or more of malt liquor, or
7 leases kegs or other containers that will hold four gallons of malt
8 liquor, to consumers who are not licensed under chapter 66.24 RCW shall
9 do the following for any transaction involving the container:

10 (a) Require the purchaser of the malt liquor to sign a declaration
11 and receipt for the keg or other container or beverage in substantially
12 the form provided in RCW 66.28.220;

13 (b) Require the purchaser to provide one piece of identification
14 pursuant to RCW 66.16.040;

15 (c) Require the purchaser to sign a sworn statement, under penalty
16 of perjury, that:

17 (i) The purchaser is of legal age to purchase, possess, or use malt
18 liquor;

19 (ii) The purchaser will not allow any person under the age of
20 twenty-one years to consume the beverage except as provided by RCW
21 66.44.270;

22 (iii) The purchaser will not remove, obliterate, or allow to be
23 removed or obliterated, the identification required under RCW 66.28.220
24 to be affixed to the container;

25 (d) Require the purchaser to state the particular address where the
26 malt liquor will be consumed, or the particular address where the keg
27 or other container will be physically located; and

28 (e) Require the purchaser to maintain a copy of the declaration and
29 receipt next to or adjacent to the keg or other container, in no event
30 a distance greater than five feet, and visible without a physical
31 barrier from the keg, during the time that the keg or other container
32 is in the purchaser's possession or control.

33 (3) A violation of this section is a gross misdemeanor.

34 **Sec. 3.** RCW 66.28.220 and 2003 c 53 s 298 are each amended to read
35 as follows:

36 (1) The board shall adopt rules requiring retail licensees to affix
37 appropriate identification on all containers of four gallons or more of

1 malt liquor for the purpose of tracing the purchasers of such
2 containers. The rules may provide for identification to be done on a
3 statewide basis or on the basis of smaller geographical areas.

4 (2) The board shall develop and make available forms for the
5 declaration and receipt required by RCW 66.28.200. The board may
6 charge spirits, beer, and wine restaurant licensees with an endorsement
7 issued under RCW 66.24.400(3) and grocery store licensees for the costs
8 of providing the forms and that money collected for the forms shall be
9 deposited into the liquor revolving fund for use by the board, without
10 further appropriation, to continue to administer the cost of the keg
11 registration program.

12 (3) It is unlawful for any person to sell or offer for sale kegs or
13 other containers containing four gallons or more of malt liquor to
14 consumers who are not licensed under chapter 66.24 RCW if the kegs or
15 containers are not identified in compliance with rules adopted by the
16 board.

17 (4) A violation of this section is a gross misdemeanor.

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